

THE EFFECTIVENESS OF THE UNITED NATIONS SECURITY COUNCIL AND PROSPECTS FOR REFORM

Eduardo Pinheiro Granzotto Da Silva*
Newton Tavares Filho**

ABSTRACT

The principal responsibility of the United Nations Security Council is the maintenance of international peace and security. However, after more than seven decades of functioning, one question remains: Is this body effective in its principal goal? Through a literature review, this paper analyses the bases of the Security Council creation and its current challenges. Some attempts have been made to reform the organ, but so much energy has been wasted in enlargement proposals. Instead, the focus should be concentrated on the veto power, which is the principal cause of the Council's ineffectiveness. As an amendment of the UN Charter is politically tricky, this paper concludes that the most feasible way to make changes to the veto power and improve the Council's effectiveness is reforming its working method.

Keywords: International Security. United Nations. Security Council. Effectiveness. Reform.

A EFETIVIDADE DO CONSELHO DE SEGURANÇA DAS NAÇÕES UNIDAS E AS PERSPECTIVAS DE REFORMA

RESUMO

O Conselho de Segurança das Nações Unidas tem como sua principal atribuição a manutenção da paz e segurança internacional. No entanto, após mais de sete décadas de funcionamento, resta uma pergunta: o órgão é eficaz no cumprimento de sua principal responsabilidade? Por meio de uma revisão de literatura, este artigo analisa as bases da criação do Conselho de Segurança e seus atuais desafios. Algumas tentativas de reformas do órgão foram feitas ao longo do tempo, mas muita energia tem sido desperdiçada em propostas de ampliação do número de assentos. Na verdade, o foco deveria estar concentrado no poder de veto, que é a principal causa da ineficácia do Conselho. Como emendar a Carta da ONU é politicamente difícil,

* Eduardo Pinheiro Granzotto da Silva, senior specialist, Public Security and National Defense, Office of the Legislative Counsel. Brazilian House of Representatives. J.D. (Federal University of Santa Catarina), PgD (Brazilian War College), MA (King's College London).

** Newton Tavares Filho, senior specialist, Constitutional Law, Office of the Legislative Counsel. Brazilian House of Representatives. J.D. (University of Brasilia), LL.M. (Georgetown University Law Center), PhD (Université Paris 1 Panthéon-Sorbonne). E-mail: HYPERLINK "mailto:newtontavares@gmail.com" newtontavares@gmail.com

o artigo conclui que a forma mais viável de se fazer mudanças no poder de veto e melhorar a efetividade do Conselho é reformando o seu método de trabalho. Palavras-Chave: Segurança Internacional. Nações Unidas. Conselho de Segurança. Efetividade. Reforma.

LA EFECTIVIDAD DEL CONSEJO DE SEGURIDAD DE LAS NACIONES UNIDAS Y LAS PERSPECTIVAS DE REFORMA

RESUMEN

La responsabilidad principal del Consejo de Seguridad de las Naciones Unidas es el mantenimiento de la paz y seguridad internacionales. No obstante, después de más de siete décadas de funcionamiento, la pregunta sigue siendo: ¿hasta que punto el Consejo de Seguridad es efectivo en hacer cumplir esta misión? A través de una revisión literaria, este ensayo analiza la base de la creación del Consejo de Seguridad y los desafíos por los que atraviesa actualmente. Aunque se han hecho intentos por reformar este órgano, se ha desperdiciado mucha energía en las propuestas para ampliar el número de asientos. Por esta razón, la discusión tendría que estar enfocada en la facultad del poder del veto, que es la principal causa de la ineficiencia del Consejo. Dado que modificar la Carta de las Naciones Unidas es complicado ya que depende de los intereses políticos de los Estados, este ensayo concluye que el método más viable para modificar el poder del veto, y optimizar la efectividad del Consejo, es a través de la modificación de lo método de trabajo de este organismo. Palabras clave: Seguridad Internacional. Naciones Unidas. Consejo de Seguridad. Efectividad. Reforma.

1 INTRODUCTION

The Security Council is an organ of the United Nations (UN) and it has the principal responsibility for maintaining international peace and security. The Council's main bases were designed by the United States, the United Kingdom and the Soviet Union in the last years of World War II and the body was officially created in 1945, when the UN Charter came into force. However, even after more than seven decades of functioning, the Council's effectiveness is a controversial issue. Does it succeed in its purpose to maintain world peace and security? What are the prospects for reform?

It is essential to debate these questions to guarantee a long-lasting peace and to avoid making the same mistakes as the League of Nations. The world has seen many conflicts without an adequate response from the Security Council. Besides that, the illegal use of force by powerful states and their allies, bypassing the Council's authority, has been more frequent. In this sense, the endless discussions about how to reform the UN's body goes from its enlargement to altering its decision-making process. Thus, reviewing the Security Council's (in)effectiveness, analyzing the origin of the problem and finding ways to reform it are matters which cannot be postponed.

Towards this purpose, this paper will address the topic in three sections. In the first section, the origin of the UN and its Security Council will be the theme. To understand the current critics of the Council, it is relevant to take into consideration the context of its creation and the main protagonists in the negotiations. In the second section, the effectiveness of the organ will be measured considering the 'Goal Model'. The core of the analyses will focus on the number of ongoing conflicts without a solution, the illegal use of force by states and the power of veto. Finally, in the last section, the prospects for reform come up. The mainstream controversy concerning the Council's enlargement will be placed in the background, and attention will be focused on the veto power.

2 THE ORIGIN OF THE UNITED NATIONS AND ITS SECURITY COUNCIL

Between 1939 and 1945, human beings witnessed the tragedy of the Second World War. On one side, there were the Allies, mainly represented by the United States, the United Kingdom and the Soviet Union, and on the other was the Axis, represented by Germany, Italy and Japan. Millions of people lost their lives in the conflict, and the whole world could see the atrocities of the Holocaust. In the face of such sadness, it was necessary to rethink international peace and security mechanisms.

Even before the end of the conflict, the main Allied leaders (MORRIS, 2018, p. 42)¹ started to design a new institution, which would be able to preserve lasting peace and their own power in a post-war era. They wanted something stronger than the League of Nations, which was incapable of preserving some privileges for the great powers (LUCK, 2006, p. 10)² and failed in its goal to prevent a new World War. Then, the Big Three (the United States, the United Kingdom and the Soviet Union) took the lead in creating a new institution in some meetings held in Moscow (October 1943), Tehran (November 1943), Dumbarton Oaks (August 1944), Yalta (February 1945), and, finally, in San Francisco (April 1945).

In these meetings, one important concern was on the table: which states would be responsible for carrying out the major burdens in maintaining peace and security worldwide while also enjoying the privileges of being in that selected club of great powers? (MORRIS, 2018, p. 44) Washington defended China's inclusion in the club (MORRIS, 2018, p. 45)³, because it could help to counterbalance the power against a

1 Roosevelt, Churchill and Stalin believed that planning for the peace before the conclusion of hostilities would offer them diplomatic high-ground and an advantage to favour their own national interests.

2 The Dutch delegation in San Francisco said the 'exaggerated equality between great and small Powers' was one of the reasons for the League of Nations' failure.

3 Washington was planning to support Brazil for the great power club as well, because of its contributions in the war. The decision could also soften Latin American complaints about its marginalization. However, with so many objections made by the Soviets and British, the proposal was never formally made.

possible emergence of Japan and hamper the Soviet Union's expansionist desires (MORRIS, 2018, p. 45). London advocated that France should also be among them, arguing that it could counterbalance the power of Germany and the Soviet Union in Europe (MORRIS, 2018, p. 44). Moscow, in its turn, wanted neither China nor France among the great powers, but it had to give in to preserve the American presence at the negotiating table (MORRIS, 2018, p. 44). In the end, China and France were accepted into the club, forming the 'Big Five'.

The structure of the new institution was another concern. At Dumbarton Oaks meetings, it was decided that the new body should comprise four main branches⁴: (a) Secretariat; (b) International Court of Justice; (c) General Assembly; and (d) Security Council (UNITED NATIONS, 1944-1945). The last one would hold the primary responsibility in terms of international peace and security and would be composed by eleven members: five permanents (the United States, the United Kingdom, the Soviet Union, China and France) and more six non-permanents to be elected among all other states for a two-year term. To preserve their own interests, it was decided at Yalta that each state of the 'Big Five' club would have veto right, which could block unwanted decisions in the Security Council.

With an agreement among the great powers about the bases of the new institution, other nations were invited to join the project. In April 1945, delegations of fifty states (UNITED NATIONS, 1942)⁵ went to San Francisco to write the Charter of the organization that they decided to call the United Nations (UN) (MORRIS, 2018, p. 47). In general, the negotiations in the Conference were an attempt to balance national interests, with less powerful states recognizing the need for great powers having leadership and privileges in the post-war arena (MORRIS, 2018, p. 48). On October 24 of that year, the UN and its powerful Security Council came into force, remaining in operation until today.

3 THE SECURITY COUNCIL'S (IN)EFFECTIVENESS

After more than seven decades of functioning, the effectiveness of the Security Council is a controversial issue. It is difficult to achieve consensus among scholars about how to define 'effectiveness' and which are the right parameters to measure it in the Council. There is not a single passage in the UN Charter about the matter (CRONIN; HURD, 2008, p. 11). For this paper, effectiveness will be defined as a capacity to be successful in a task and produce expected results (CAMBRIDGE UNIVERSITY PRESS, 2018). We will measure it with the oldest and more common model

4 After, at the San Francisco Conference, it was decided to include two more main branches: an Economic and Social Council, and a Trusteeship Council.

5 This included only states which declared war against Germany and Japan and signed the Declaration of the United Nations in 1942.

in the field of Organizational Studies: the 'Goal Model', which affirms that organizations are effective to the extent to which they can meet the defined purpose (SEASHORE, 1983, p. 58-59).

But does the Security Council have a defined purpose? Yes. The UN Charter provides a variety of functions and powers for the body. Although the Council has internal competencies in the UN (UNITED NATIONS, 1945)⁶, its main purpose is based on the external level, inasmuch as it has the primary responsibility for the maintenance of international peace and security (art. 24) (UNITED NATIONS, 1945)⁷ and it can, among other actions: (a) investigate any dispute or situation which might lead to international friction (art. 34) (UNITED NATIONS, 1945); (b) determine the existence of a threat to the peace, breach of the peace or act of aggression and recommend measures to restore the international peace and security (art. 39) (UNITED NATIONS, 1945); (c) decide about economic sanctions and other non-military means when it is necessary to give effect to its decisions (art. 41) (UNITED NATIONS, 1945); and (d) take military actions to restore international peace and security (art. 42) (UNITED NATIONS, 1945).

However, before measuring the Council's effectiveness in its main purpose, it is essential to clarify that the challenges in international peace and security have become more complex over the years. When the UN was created, the principal goal of the Security Council was to prevent a new interstate war of global proportions (LUCK, 2010, p. 62). Nonetheless, the concept of international security, which prevailed in 1945, is totally different from the concept that we have today. Conflicts between states have given way to armed conflicts within states and matters, which were not even mentioned in the Charter, emerged in the agenda, such as terrorism, peacekeeping, pandemics, weapons of mass destruction, and genocide (LUCK, 2010, p. 62). Thus, the fact that we have not had another World War since 1945 does not guarantee by itself that the Council has been successful in its main objective.

In a very practical and reduced framework, it is possible to analyse the effectiveness of the Security Council by addressing two key questions: Has the Council taken appropriate actions to resolve ongoing armed conflicts in the world? Has the Council been able to avoid unilateral use of force in the international arena?

Unfortunately, the Security Council has been ineffective at handling ongoing conflicts. According to the Uppsala Conflict Data Program (UCDP), there were 52 armed conflicts registered in the world in 2018, and more than 53,000 people were killed as a consequence of these hostilities (RUSTAD et al., 2019, p. 2).

6 Some Security Council's internal competencies provided in the UN Charter: recommend the admission (Article 4), the suspension (Article 5) and the expulsion (Article 6) of UN member and also recommend a name to exercise the role of Secretary-General to the General Assembly (Article 97).

7 Charter of the United Nations (adopted 25 June 1945, came into force on 24 October 1945).

No strong and significant measures were taken by the Security Council to solve the cases. Syria is an example. Since the beginning of the conflict in 2011, more than 500,000 people have been killed or are missing in that country, and biological weapons have been used in attacks against civilians (WHY..., 2018). In Yemen, the situation is catastrophic as well. Because of the Civil War, which started in 2015, it is estimated that more than 22 million people are in need of humanitarian assistance, and more than 8 million are considered at risk of starvation (UNITED NATIONS, 2018a).

Another signal of the Council's ineffectiveness is the spread of unilateral acts of force by powerful states. According to the UN Charter, the use of force in the international arena is only allowed in two situations: actions taken by the Security Council (collective security) (chapter VII) (UNITED NATIONS, 1945) or by states in self-defence (individual or collective) (art. 51) (UNITED NATIONS, 1945). Notwithstanding, powerful states are always creating theories and doctrines under international law to justify unilateral use of force, bypassing the Council's authority and exposing its ineffectiveness. NATO's intervention in Kosovo (1999) and the Iraq War (2003) are examples of illegal use of force with no punishment. Besides that, a paralysed Council watched Russia annex Crimea (2014), and the United States and its allies (France and the United Kingdom) bombard targets in Syria without any authorization.

But what is the root of the problem? It is not fair to point to only one cause for the ineffectiveness of the Security Council. The complexity of international relations, the difficulty of the international law in establishing itself as a viable option, and the lack of cooperation by some states are factors that cannot be forgotten when we discuss the question. However, there is an issue which is at the core of the problem: the veto power.

4 THE VETO POWER AS A TOOL OF INEFFECTIVENESS

The main Security Council voting rules are outlined in the UN Charter. According to Article 27, decisions are divided into 'procedural' and 'non-procedural' matters. For procedural resolutions, it is necessary to have affirmative votes of nine members (art. 27) (UNITED NATIONS, 1945). For non-procedural ones, nine affirmative votes are required, including the concurring votes of the permanent members (in other words, with no veto) (art. 27) (UNITED NATIONS, 1945).

Notwithstanding, the right of veto, created for non-procedural decisions, has been the Council's most significant cause of ineffectiveness. This rule was created as a safety valve, which should be used in exceptional episodes, only when national interests of the great five powers were at risk. Nonetheless, the veto power has been invoked excessively, blocking the Council's important actions. Between 1945 and 2019, it was used 285 times (UNITED NATIONS, 2018b). Most of them (240) occurred during the Cold War (1945-1989), which is considered a period of stagnation for the Council.

In the post-Cold War period (1990-present), 45 resolutions were vetoed (UNITED NATIONS, 2018b), with a rising trend in recent years (EISIEDEL; MALONE, 2018, p. 156-157). Unfortunately, the reality is worse than the numbers, considering that many other resolutions were never voted on because of the threat of one or more permanent members using a veto.

Furthermore, the veto power promotes clientage and impunity, which undermines the Council's capacity to maintain international peace and security. In this way, right after the creation of the United Nations, Hans Kelsen affirmed that:

[...] it is more important for a state not a permanent member of the Security Council to have a friend or protector among five great powers than carefully to fulfil its obligations under the Charter. If a state can rely upon one of the five great powers, no action can be taken against it by the Organization, even in the event of an open violation of the Charter. The veto right of the five permanent members of the Security Council may lead to a political System of more or less open clientage [...]. (KELSEN, 1946, p. 1119-1120).

Kelsen was right and could predict what was about to happen. Persistent violators of international law usually find shelter in the veto right of the permanent members. Israel, Syria and Iran are examples. The Palestine question, in the Middle East, has been dragged on for years without a solution, thanks to the 31 American vetoes in the case since 1973 (UNITED NATIONS, 2018b). The conflict in Syria has not reached an end because the Assad regime is under the protection of Russia. Twelve resolutions (UNITED NATIONS, 2018b) were blocked since the beginning of the hostilities. Russia protects Iran as well, and the last example of this occurring was in February 2018, when a resolution linking Iran to terror activities in Yemen was blocked in the Council (UNITED NATIONS, 2018b).

The impunity of the five permanent members is also a mark of the Security Council's ineffectiveness. The right of veto is an institutionalized way for the Big Five to violate international law and makes them virtually immune from punishment (MALKSOO, 2010, p. 94-95). There were no sanctions by the Security Council against the unlawful unilateral acts of force in Kosovo (1999), in Iraq (2013), and in Syria (2018). The United States, the United Kingdom, France, and their allies were protected in these situations, even violating the UN Charter. The same can be said of Russia, which recently annexed the Crimean peninsula and vetoed two resolutions on the matter (UNITED NATIONS, 2018b). All of these cases are negatives consequences generated by the right of veto which expose the Council's inability to be successful in its stated purpose of maintaining international peace and security.

5 PROSPECTS FOR REFORM

The first significant reform in the Security Council (and unique until now) concerned its enlargement. The body was created in 1945 with eleven members: five permanent and six non-permanent, elected by the General Assembly. At that time, there were 51 UN original members, and only six states from Africa and Asia (WEISS, 2003, p. 148-149). Two decades after, as a result of the decolonization processes, the organization's membership exploded to 114, and more than half were from these two developing continents (WEISS, 2003, p. 149). These newly included states put pressure on the system, demanding reforms. Thus, the Council changed in 1965 to enlarge its membership from eleven to fifteen (only non-permanent seats were altered, from six to ten). The veto power and permanent seats remained intact (WEISS, 2003, p. 149).

After the end of the Cold War, especially in the 1990s and in the 2000s, several groups emerged in the organization (such as G4⁸, UfC⁹, L-69¹⁰ and C-10¹¹) to advocate for reform. Nonetheless, most of the proposals that came to the table were again about its enlargement. In 1994, a working group¹² was created to present a proposal to renew the body, but its idea to expand the Council to 24 members¹³ was rejected by the General Assembly (NADIN, 2016, p. 47). In 2000, the issue returned to the agenda in the Millennium Summit, when the international community promised to concentrate efforts to reform the security body (NADIN, 2016, p. 48). As a consequence, the Secretary-General Kofi Annan appointed a High-Level Panel on Threats, Challenges and Change in 2003, which recommended the expansion of the seats to 24 (UNITED NATIONS, 2004, p. 6)¹⁴, but it never reached an agreement,

8 The group is formed by Brazil, India, Japan and Germany to support each other for new permanent seats.

9 The United for Consensus (UfC) is comprised of Argentina, Canada, Colombia, Costa Rica, Indonesia, Italy, Malta, Mexico, Pakistan, South Korea, San Marino, Spain, and Turkey. In general, the group is against the G4 proposal for new permanent members.

10 The group L-69 (about the draft resolution A/61/L.69) comprises 40 states from Latin America and Africa. It defends the enlargement of the Council to 27 seats.

11 The Committee of Ten Heads of State on United Nations Security Council Reform (C-10) looks for an expanded Security Council with more African states in permanent (with veto) and non-permanent seats.

12 Open-Ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters related to the Security Council, well known as 'the never-ending working group'.

13 Five new permanents (without veto) and more four non-permanents.

14 The final report *A More Secure World: Our Shared Responsibility*, recommended the expansion, but there was a divergence in how to do it, because: "[...] the members of the Panel disagree about the models put forth for Security Council expansion and the method for determining criteria for Security Council membership. [...]".

despite the personal efforts of the Secretary-General (UNITED NATIONS, 2005)¹⁵. In 2008, the Intergovernmental Negotiation on Security Reform was created in the organization, with little progress until now (UNITED NATIONS, 2015)¹⁶.

The researcher Peter Nadin, in his book 'UN Security Reform', was accurate when he defined the challenges of achieving an agreement over the Council's expansion:

The repetitious nature of the negotiations, the lack of a spirit of compromise, and the use of procedural manoeuvres stymied the process and inhibited the realization of a true negotiating text. In short, Security Council reform had become a mirror of the intractable conflicts the council itself dealt with (i.e. Cyprus, Western Sahara, and the Palestinian question). The membership had become enveloped by a haze of paperwork (letters, non-papers, revisions, draft resolutions), which only served to confuse. (NADIN, 2016, p. 50-51).

Beyond all the confusion, it is important to highlight that the enlargement of the Security Council is relevant in terms of representativeness, but a waste of time and energy in terms of effectiveness. Merely expanding the number of members – permanent or not, with or without veto power – does not guarantee that the Council will work more effectively in its responsibility to maintain international peace and security (SCHRIJVER, 2006, p. 33). It is true that the composition of the body is anachronistic and does not represent the current world (WALT, 2015)¹⁷. Nonetheless, targeting only the enlargement could further jeopardize the Council's effectiveness. As we saw in many cases above, it is hard to reach consensus or majorities to take actions with fifteen members (and with only five permanents). So, there is no doubt that the expansion of the body without changing its mechanisms of decision will cause more deadlock, uncertainty and polarization on contentious issues (NADIN, 2016, p. 5).

6 WORKING-METHODS REFORM

To enhance the Council's effectiveness, it is necessary to change the focus and prioritize reform in its decision-making process, with particular attention

15 Kofi Annan, in its report *In Larger Freedom*, published in 2005, reinforced the recommendation made by the High-Level Panel on Threats, Challenges and Change, urging for a Security Council reform.

16 The single considerable progress was the decision A/69/L.92 adopted by the General Assembly in 2015, which established a more concrete framework for the reform's discussion.

17 According to Stephen W. Walt, "the present structure [of the Security Council] is one of the world's great anachronisms: Germany is now more important than either Britain or France and states such as India, Brazil, Japan, or South Africa (and some others) would be plausible contenders for 'permanent' status too. [...] The present structure makes no sense."

paid to the veto right. There are two potential options: (a) amending Article 27 of the UN Charter to abolish the veto power, or (b) altering the working method of the Council by an internal code of conduct to limit the use of veto.

The first option is complicated. Any amendment of the Charter shall be adopted by a vote of two-thirds of the General Assembly (art. 108) (UNITED NATIONS, 1945), which represents 129 states of the total members (currently 193). If approved, this change takes the form of a resolution. Then, it only comes into force after the ratification by two-thirds of the UN members under their respective constitutional process, including all five permanent members of the Security Council (art. 108) (UNITED NATIONS, 1945). This kind of process is so rigid that it has happened only three times in the organization's history: in 1965¹⁸, 1968¹⁹ and 1973²⁰.

In light of this process, the second option is more viable. Although it is not in the mainstream of the debate on reform, changing the working method to restrain the veto power has more chance of succeeding and it does not need a Charter amendment (NADIN, 2016, p. 95-96). The Security Council has the prerogative to create its own rules of procedures, according to the UN Charter (art. 30) (UNITED NATIONS, 1945). The body's work is currently based on the Provisional Rules of Procedure and on a variety of *ad hoc* practices (NADIN, 2016, p. 95). Since 1993, reviewing and updating the procedures is the responsibility of the Informal Working Group on Documentation and Other Procedural Questions, which has achieved considerable progress in issues related to the transparency, interactivity and efficiency of the body.²¹ So, regulating the use of veto by an internal agreement could be an easier way to improve the Security Council's effectiveness.

One reasonable proposal has been defended by the French Government,²² considering the deadlock in the Syria case. The idea is to implement a mutual commitment among the 'Big Five' to suspend their right of veto in decisions involving mass crimes (FABIUS, 2013). The nature of the crime would be decided by the UN Secretary-General²³ at the request of at least 50 member states (FABIUS, 2013).

18 Amendment to Articles 23, 27 and 61 (enlargement of two bodies: the Security Council and of the Economic and Social Council).

19 Amendment to Article 109 (reviewing conferences of the Charter).

20 New amendment to Article 61 (enlargement of the Economic and Social Council).

21 In 2017, the President of the Council (occupied by Japan) issued a comprehensive note with important measures to enhance the body's working method. See the note S/2017/507.

22 The French proposal was not totally new but gained more authority because it was proposed by a permanent member. Similar proposals to refrain from using the veto have already been discussed on the High-Level Panel on Threats, Challenges and Change and by some groups, such as S5 (Costa Rica, Jordan, Liechtenstein, Singapore and Switzerland) and Accountability, Coherence and Transparency (ACT), which is composed by small and medium states.

23 In the spirit of the Article 99 of the UN Charter, the Secretary-General would decide if the decision involves mass atrocities, which includes genocide, crimes against humanity and large-scale war crimes.

For sure, this proposal has its weaknesses, because it is a voluntary and non-binding agreement and it is not applicable when a vital national interest of the permanent members is at stake (FABIUS, 2013). However, the negotiations are still in process, and the proposal represents a viable hope in this challenging debate.

France and the United Kingdom are more willing to support veto restraints, mainly in situations when a mass atrocity is on the table. A good sign of change is that they have not used their veto since the Panama case in 1989. The challenge now is to convince the other permanent members, which usually oppose any attempt to regulate the use of veto (NADIN, 2016, p. 112). Leaders from the United States, Russia and China must assume their international responsibilities related to peace and security, in order to establish an effective Security Council.

7 CONCLUSION

The UN Security Council was created in the context of World War II, and powerful states guaranteed their permanent seats in the Council. The main idea of its creation was to avoid another world war. However, during more than seven decades of functioning, the agenda of international security has changed significantly, and conflicts between states have gradually been replaced by conflicts within states and transnational threats.

Using the 'Goal Model' to measure the effectiveness of the Council, it is possible to conclude, in a very narrow framework, that the organ has not been successful in its purpose to maintain international peace and security. There are dozens of ongoing conflicts and humanitarian disasters around the globe without a proper response from the Security Council, such as in Syria, Yemen and Palestine. Moreover, the lack of punishment against the illegal use of force in the international arena, such as Kosovo (1999), Iraq (2013), Crimea (2014) and Syria (2018), undermines the Council's effectiveness. In all of these cases, the veto power was at the core of the problem, protecting powerful states and their clients.

Reforming the body is essential. Nonetheless, so much time and energy has been wasted in proposals to enlarge the Council, which if approved will cause more deadlocks during difficult decisions. The focus should be on the veto right. Abolishing this privilege requires an amendment in the UN Charter and will likely not happen, considering the difficulty of the procedures involved. An alternative is to rethink the Council's decision-making process to restrain the veto power by an internal agreement.

An exciting proposal supported by France and the United Kingdom to suspend the use of veto in cases involving mass crimes has been on the table

since 2013. Now, the world is waiting for America, China and Russia to find their sense of international responsibility and negotiate the idea to improve the Council's effectiveness.

I would also like to express my gratitude to my friends Charlie McKell and Alejandra Bahena Iturralde for their contribution to this article.

REFERENCES

CAMBRIDGE Dictionary. Cambridge, UK: Cambridge University Press, 2020. Disponível em: <https://dictionary.cambridge.org/dictionary/english/effectiveness>. Acesso em: 27 May 2020.

CRONIN, Bruce; HURD, Ian F. Introduction. In: CRONIN, Bruce; HURD, Ian F. (ed.). *The UN Security Council and the Politics of International Authority*. New York: Routledge, 2008. p. 3-22.

EINSIEDEL, Sebastian Von; MALONE, David. Security Council. In: WEISS, Thomas; DAWSON, Sam (ed.). *The Oxford Handbook of the United Nations*. Oxford: Oxford University Press, 2018. p. 140-164.

FABIUS, Laurent. A Call for Self-Restraint at the UN. *The New York Times*, 4 Oct. 2013. Disponível em: <https://www.nytimes.com/2013/10/04/opinion/a-call-for-self-restraint-at-the-un.html>. Acesso em: 16 May 2020.

KELSEN, Hans. Organization and Procedure of the Security Council of the United Nations. *The Harvard Law Review Association*, [Cambridge], v. 59, n. 7, p. 1087-1121, Sept. 1946. DOI: 10.2307/1335164.

LUCK, Edward. A Council for all seasons: the creation of the Security Council and its relevance today. In: LOWE, Vaughan; ROBERTS, Adam; WELSH, Jennifer; ZAUM, Dominick (ed.). *The United Nations Security Council and War: the evolution of thought and practice since 1945*. Oxford: Oxford University Press, 2010. p. 64-85.

LUCK, Edward. *UN Security Practice and Promise*. London: Routledge, 2006.

MALKSOO, Lauri. Great Powers then and now: Security Council reform and responses to threats to peace and security. In: DANCHIN, Peter G.; FISCHER, Horst (ed.). *United Nations Reform and The New Collective Security*. Cambridge: Cambridge University Press, 2010. p. 94-114.

The Effectiveness of the United Nations Security Council and Prospects for Reform

MORRIS, Justin. Origins of the United Nations. In: WEISS, Thomas; DAWS, Sam (ed.). *The Oxford Handbook of the United Nations*. Oxford: Oxford University Press, 2018. p. 41-57.

NADIN, Peter. *UN Security Council Reform*. London; New York: Routledge, 2016.

RUSTAD, Siri Aas et al. *Trends in Armed Conflict, 1946-2018*. Oslo: Peace Research Institute Oslo, 2019.

SCHRIJVER, Nico. The Future of the Charter of the United Nations. In: BOGDANDY, Armin Von; WOLFRUM, Rudiger (ed.). *Max Planck Yearbook of United Nations Law*. Leiden: Martinus Nijhoff, 2006. p. 1-34.

SEASHORE, Stanley. A Framework for an Integrated Model of Organizational Effectiveness. In: CAMERON, Kim S.; WHETTEN, David A. (ed.). *Organizational Effectiveness: a comparison of multiple models*. New York: Academic Press, 1983. p. 55-70.

UNITED NATIONS. *1942: Declaration of The United Nations*. New York: UN, [1942]. Disponível em: <http://www.un.org/en/sections/history-united-nations-charter/1942-declaration-united-nations/index.html>. Acesso em: 27 maio 2020.

UNITED NATIONS. *1944-1945: Dumbarton Oaks and Yalta*. New York: UN, [1944-1945]. Disponível em: <http://www.un.org/en/sections/history-united-nations-charter/1944-1945-dumbarton-oaks-and-yalta/index.html>. Acesso em: 14 maio 2020.

UNITED NATIONS. *Charter of the United Nations*. New York: UN, [1945]. Disponível em: <http://www.un.org/en/charter-united-nations/>. Acesso em: 28 maio 2020.

UNITED NATIONS. General Assembly. [A More Secure World: our shared responsibility - report of the high-level panel on threats challenges and change](#). New York: UN General Assembly, [2004]. Disponível em: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N04/602/31/PDF/N0460231.pdf?OpenElement>. Acesso em: 14 maio 2020.

UNITED NATIONS. General Assembly. *In larger freedom: towards development, security and human rights for all*. New York: UN General Assembly, [2005]. Disponível em: <http://undocs.org/A/59/2005>. Acesso em: 4 maio 2020.

UNITED NATIONS. General Assembly. *Question of equitable representation on and increase in the membership of the Security Council and related matters*. New York: UN General Assembly, [2007]. Disponível em: <https://undocs.org/A/61/L.69/Rev.1>. Acesso em: 3 abr. 2020.

UNITED NATIONS. General Assembly. *Question of equitable representation on and increase in the membership of the Security Council and related matters*. New York: UN General Assembly, [2015]. Disponível em: <https://undocs.org/A/69/L.92>. Acesso em: 4 abr. 2020.

UNITED NATIONS. Security Council. *Note of the Security Council containing the compendium of its working methods*. New York: UN Security Council, [2017]. Disponível em: <https://www.securitycouncilreport.org/un-documents/document/s2017507.php>. Acesso em: 4 jun. 2020.

UNITED NATIONS. Veto List. *Dag Hammarskjold Library*, 2018b. Disponível em: <http://research.un.org/en/docs/sc/quick/veto>. Acesso em: 6 jun. 2020.

UNITED NATIONS (Yemen). *UN News*, Oct. 2018a. Global perspective human stories. Disponível em: <https://news.un.org/en/focus/yemen>. Acesso em: 5 abr. 2020.

WALT, Stephen. The UN Security Council. What's Up with That? *Foreign Policy*, Washington, Apr. 7, 2015. Disponível em: <https://foreignpolicy.com/2015/04/07/the-u-n-security-council-whats-up-with-that/>. Acesso em: 16 maio 2020.

WEISS, Thomas. The illusion of UN Security Council reform. *The Washington Quarterly*, Washington, v. 26, n. 4, p. 147-161, 2003. DOI: 10.1162/016366003322387163.

WHY is there a war in Syria? *BBC News*, London, Sept. 7, 2018. Disponível em: <https://www.bbc.co.uk/news/world-middle-east-35806229>. Acesso em: 5 maio 2020.

Recebido em: 12 jun. 2020

Aceito em: 27 out. 2020